

Dr. Silvano Maffei

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I, Dr. Silvano Maffei, being warned of the penalties for perjury, hereby declare and make the following statements under penalty of perjury.

I am one of the inventors in US appl. no. 09/498,505 now pending before the United States Patent Office.

I am aware that the Examiner has cited a reference US Pat. No. 6,343,287 to Kumar, filed May 19, 1999 ("Kumar") in rejection of the pending claims.

Attached as Exhibit A is a document entitled "Appendix" which is a true and correct copy of information from Softwired's Concurrent Versions System ("CVS") repository. The CVS holds a complete history of the source code of the product that is the subject of the present application, along with a complete history of many documents developed for the product. Access to CVS was and is limited to the company's engineers, in the CVS, the engineers check files in and out of the system, and in this way a record is maintained of the history of each file therein.

Attached as Exhibit B is a document entitled "Developing Publish/Subscribe Applications with iBus - Technical White Paper". Portions have been highlighted for ease of reference in the discussion that follows.

As may be seen from page 1 of Exhibit A, the document of Exhibit B was checked into the CVS on May 17, 1999. Thus it is apparent that the document of Exhibit B was authored no later than May 17, 1999.

Attached as Exhibit C is a document dated May 19, 2004 and entitled "Proof of Invention". The document of Exhibit C details pending independent claim 1 and shows how each element of claim 1 (designated A through G for convenient reference) may be found in the document of Exhibit B.

From the foregoing it is apparent that the date of invention for the subject matter of claim 1 is no later than May 17, 1999.

The company reduced the invention to practice by means of Java files listed in Exhibit A. From Exhibit A it may be seen that many of the Java files were checked into and out of CVS over a range of dates in 1998 and on into the spring of 1999. This shows that there was considerable effort made to reduce the invention to practice in 1998 and early 1999.



Dr. Silvano Maffei

Bonsai, 28* May 2004